



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/804,600

03/18/2004

Mikko Lonnfors

NOKM.019C1

9543

76385

7590

11/02/2009

Hollingsworth & Funk

8500 Normandale Lake Blvd., Suite 320

Minneapolis, MN 55437

EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

11/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,600	<b>Applicant(s)</b> LONNFORS ET AL.	
	<b>Examiner</b> DOUGLAS B. BLAIR	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16 and 19-32 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2009 has been entered.

### ***Response to Amendment***

The applicant's amendments have overcome the rejections based on 35 USC 112 2nd paragraph.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-16 and 19-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2442

Claims 1, 2, 4, 10-14, 16, and 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,658,095 to Yoakum et al. (Part of the IDS filed on 3/18/2004) in view of U.S. Patent Number 7,359,938 to Davies et al.

As to claim 1, Yoakum teaches a computer-readable storage medium having instructions stored thereon which are executable by a computer system by performing steps comprising: identifying at least one presentity to which a terminal has requested presence services (**col. 7, lines 10-12 and lines 54-65, the subscribers are requesting presence information**); creating a presence document including presence information corresponding to the presentity (**col. 7, lines 45-49, the status information is considered the presence document. The applicant's specification features no limiting definition for a "presence document"**); configuring the presence information as partial presence information being less than a total of the presence information available for the presentity (**col. 7, lines 54-65, the rules are applied to the status information to provide only the information which is requested to the subscribers**), wherein the partial presence information is status information for presence information that have changed (**col. 3, lines 47-61, See Response to Arguments**); and communicating the presence document having the partial presence information to the terminal requesting the presence information (**col. 9, lines 4-20, the presence updates based on the rules are provided to a subscribing user**); however Yoakum does not teach only transmitting presence information that has changed.

Davies teaches a method for only transmitting presence information that has changed (col. 17, lines 24-34).

It would have been obvious to one of ordinary skill in the Computer networking art at the time of the invention to combine the teachings of Yoakum regarding presence information with the teachings of Davies regarding only transmitting information which has changed because doing so prevents unnecessary data transmission.

As to claim 4, Yoakum teaches instructions for providing at least one action value in the presence information (**col. 9, lines 4-20**).

As to claim 10-14, Yoakum teaches instructions for facilitating terminal subscriptions, fetching and polling, providing notifications and providing indications of changes (**See col. 9-12 as cited throughout the office action**).

As to claim 16, Yoakum teaches instructions for providing a predefined attribute value with the partial presence information (**col. 9, lines 4-20**).

As to claim 18, it is rejected for the same reasoning as claim 1.

As to claim 19, Yoakum teaches an apparatus, comprising: a processor; a watcher application executable by the processor to generate at least one request for presence information of at least one presentity, and to receive partial presence information including less than the totality of the presence information available for the at least one presentity, wherein the partial presence information is status information for presence information that have changed (**col. 9, lines 4-20, the presence application is considered the watcher and col. 3, lines 47-61 describes partial presence notifications as does col. 4, lines 63-67**); and a memory to store the presence information, and to update portions of the presence information identified by the partial

Art Unit: 2442

presence information (**col. 9, lines 4-20**) ; however Yoakum does not teach only transmitting presence information that has changed.

Davies teaches a method for only transmitting presence information that has changed (col. 17, lines 24-34).

It would have been obvious to one of ordinary skill in the Computer networking art at the time of the invention to combine the teachings of Yoakum regarding presence information with the teachings of Davies regarding only transmitting information which has changed because doing so prevents unnecessary data transmission.

As to claim 20, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to generate the at least one request in the form of subscription request to subscribe to the presence information of the at least one presentity (**col. 10, lines 11-16**).

As to claim 21, Yoakum teaches a UE terminal as in claim 20, wherein the subscription request comprises a SIP SUBSCRIBE method (**col. 10, lines 11-16**).

As to claim 23, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable to receive partial presence information by fetching the partial presence information (**col. 9, lines 4-20**).

As to claim 24, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to receive the partial presence information via a partial

Art Unit: 2442

presence notification identifying the less than the totality of the presence information available for the at least one presentity (**col. 3, lines 47-61**).

As to claim 25, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to receive the partial presence information in the form of a notification message to provide the watcher application with the partial presence information (**col. 12, lines 10-35**).

As to claim 26, Yoakum teaches the UE terminal as in claim 25, wherein the notification message comprises a SIP Notify method (**col. 12 lines 10-35**).

As to claim 27, Yoakum teaches the UE terminal as in claim 19, further comprising a transceiver capable of transmitting the at least one request, and of receiving the partial presence information, via a network (**See Background**).

As to claims 28-30, Yoakum teaches wireless data transfers via mobile phones and the devices claimed in claim 30 (**See Background**).

As to claim 31, Yoakum teaches an apparatus comprising: a memory configured to store presence information related to one or more presentities (**col. 9, lines 4-20**); a processor configured to generate a subscription request to subscribe to presence information of a target presentity (**col. 10, lines 11-16**); a transceiver capable of transmitting the subscription request via the network, and capable of receiving partial presence notifications providing partial change information relating to the presence information of the target presentity in response to a status change in the presence information (**col. 9, lines 4-20 and col. 3, lines 47-61**); and wherein the processor is further configured to direct the memory to update the presence information with the

Art Unit: 2442

partial change information (**col. 9, lines 4-20**) ; however Yoakum does not teach only transmitting presence information that has changed.

Davies teaches a method for only transmitting presence information that has changed (col. 17, lines 24-34).

It would have been obvious to one of ordinary skill in the Computer networking art at the time of the invention to combine the teachings of Yoakum regarding presence information with the teachings of Davies regarding only transmitting information which has changed because doing so prevents unnecessary data transmission.

As to claim 32, Yoakum teaches a presence server capable of being coupled to a plurality of terminals via a network for communicating presence information to one or more of the plurality of terminals, the presence server comprising: a memory configured to store presence information for a plurality of presentities, and to store terminal subscriptions for terminals authorized to receive the presence information for one or more of the presentities (**col. 9, lines 4-20**); a processing system coupled to the memory and configured to identify at least one presentity to which a particular terminal has subscribed, and to create a presence document including the presence information corresponding to the presentity (**col. 10, lines 11-16**), wherein the presence information is configured as partial presence information corresponding to a subset of a set of presence information available for the presentity, wherein the partial presence information is status information for presence information that have changed (**col. 9, lines 4-20 and col. 3, lines 47-61**); and a data transmission module coupled to the processing system and capable of communicating the partial presence information via the presence document to the subscribing



Art Unit: 2442

terminal (**col. 9, lines 4-20**) ; however Yoakum does not teach only transmitting presence information that has changed.

Davies teaches a method for only transmitting presence information that has changed (col. 17, lines 24-34).

It would have been obvious to one of ordinary skill in the Computer networking art at the time of the invention to combine the teachings of Yoakum regarding presence information with the teachings of Davies regarding only transmitting information which has changed because doing so prevents unnecessary data transmission.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,658,095 to Yoakum et al in view of U.S. Patent Number 7,359,938 to Davies et al.

As to claim 3, the Yoakum-Davies combination teaches the method of claim 1, however the Yoakum-Davies combination teaches does not explicitly teach instructions for providing a mode value in the presence information indicative of whether the presence document includes the partial presence information or the complete presence information.

Yoakum teaches both the provision of partial and complete presence information and therefore implicitly teaches a mode value.

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Yoakum-Davies combination teaches regarding complete and partial presence information with the concept of a mode value because

Art Unit: 2442

providing a mode value would make it clear to the user the type of information that they are otherwise already receiving.

As to claim 5, Yoakum does not explicitly teach the use of CPIM PIDF. Official Notice is taken that CPIM PIDF was a well known format for storing presence information, such as that taught by Yoakum, at the time of the applicant's invention. It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding presence information with CPIM PIDF because CPIM PIDF provides a specific implementation for the teachings of Yoakum that were discussed generically and combining the concepts would produce a predictable result.

Claims 6-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,658,095 to Yoakum et al. in view of U.S. Patent Number 7,359,938 to Davies et al in further view of U.S. Patent Application Publication Number 2002/0129103 by Birkler.

As to claims 6-8, the Yoakum-Davies combination teaches renders obvious the method of claim 5, however, the Yoakum-Davies combination teaches does not teach version comparisons.

Birkler teaches the claimed types of version comparisons (paragraphs 20-23).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Yoakum-Davies combination teaches regarding presence notifications with the teachings of Birkler regarding version comparisons because version comparison prevents unnecessary processing of data. Both Yoakum and Birkler are directed towards the same type of technology so combining the two would produce a predictable result.

Art Unit: 2442

As to claim 15, the Yoakum-Davies combination teaches does not explicitly teach supplying the presence document in the claimed temporal manners.

Birkler teaches providing a presence document according to predetermined time intervals (See Abstract).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Yoakum-Davies combination teaches regarding presence notifications with the teachings of Birkler regarding providing a presence document according to predetermined time intervals because doing so provides less burden on the server while providing the client with relatively recent information. Both Yoakum and Birkler are directed towards the same type of technology so combining the two would produce a predictable result.

#### *Allowable Subject Matter*

Claim 17 is allowable over the prior art of record.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: In claim 17, the applicant claims a medium implementing a method which at the client terminal, compares the version value of presence information with a previously stored version value of presence information in order to update the presence information at the client terminal. U.S. Patent Number 6,658,095 to Yoakum teaches the concept of providing partial presence

Art Unit: 2442

information (as shown in the rejection of claim 1 in this action) but Yoakum does not teach the claimed concept of associating the tuple including a version value with the presence information.

U.S. Patent Application Publication Number 2002/0129103 by Birkler teaches the idea of associating a version number with presence information for comparison purposes (paragraphs 20-23) however Birkler makes the comparison of version numbers at the server and not at the client terminal as claimed. None of the other prior art of record was found to anticipate or make obvious the subject matter of claim 17. Claim 9 is allowable for the same reason as claim 17.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2442

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/  
Primary Examiner, Art Unit 2442